

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

DANIEL LOCK, and TAYLOR
ZIMMERLING,

Defendants.

4:22CR3023

ORDER

Defendant Lock has moved to continue the previously scheduled hearing, (Filing No. 41), because Defendant is still engaged in plea negotiations. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Lock's motion to continue, (Filing No. 41), is granted.
- 2) As to Defendant Lock, the hearing scheduled for January 4, 2023 is continued.¹
- 3) A telephonic conference with counsel will be held before the undersigned magistrate judge at 8:30 a.m. on February 1, 2023 to set either a change of plea hearing, or the date of the jury trial and deadlines for disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.

This telephonic conference will not be continued absent a substantial showing of good cause.

¹ The hearing remains scheduled as to Defendant Taylor Zimmerling.

- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and February 1, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 30th day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge